

104TH CONGRESS
1ST SESSION

H. R. 350

To amend title 5, United States Code, to deny annuity benefits with respect to any Member of Congress convicted of a felony and to terminate the salary of any justice or judge of the United States who is convicted of a felony.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. PORTER introduced the following bill; which was referred to the Committee on Government Reform and Oversight and, in addition, to the Committees on House Oversight, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 5, United States Code, to deny annuity benefits with respect to any Member of Congress convicted of a felony and to terminate the salary of any justice or judge of the United States who is convicted of a felony.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DENIAL OF ANNUITY BENEFITS TO MEMBERS**
4 **OF CONGRESS CONVICTED OF FELONIES.**

5 (a) CONVICTION OF CERTAIN OFFENSES.—Section
6 8312 of title 5, United States Code, relating to denial of

1 annuities for conviction of certain offenses, is amended by
2 adding at the end the following:

3 “(e) An individual, or his survivor or beneficiary, may
4 not be paid an annuity under subchapter III of this chap-
5 ter, or under chapter 84, on the basis of service as a Mem-
6 ber (as defined in section 8331(2) or 8401(20)) if the indi-
7 vidual is convicted of any felony under State or Federal
8 law, committed on or after the date of the enactment of
9 this subsection.”.

10 (b) REFUND OF CONTRIBUTIONS AND DEPOSITS.—
11 Section 8316(b) of title 5, United States Code, relating
12 to refund of contributions and deposits, is amended—

13 (1) by striking “or” at the end of paragraph
14 (1);

15 (2) by striking the period at the end of para-
16 graph (2) and inserting “; or”; and

17 (3) by adding at the end the following:

18 “(3) if the individual was convicted of an of-
19 fense described in subsection (e) of section 8312, for
20 the period after the conviction.”.

21 (c) RESTORATION OF ANNUITY OR RETIRED PAY.—
22 Section 8318(a) of title 5, United States Code, relating
23 to restoration of annuity or retired pay, is amended—

24 (1) by inserting after “is pardoned by the
25 President” the following: “(or by the Governor, in

1 the case of a felony under State law described in
2 section 8312(e) of this title) or if the conviction is
3 reversed on appeal in the case of a felony described
4 in section 8312(e) of this title”; and

5 (2) by striking the period and inserting the fol-
6 lowing: “or, in the case of a reversal, as of the date
7 of the conviction so reversed.”.

8 **SEC. 2. TERMINATION OF SALARY OF A JUSTICE OR JUDGE**
9 **CONVICTED OF A FELONY.**

10 (a) BASIS FOR TERMINATION.—Any justice or judge
11 of the United States—

12 (1) who—

13 (A) is in regular active service, or

14 (B) has retired under section 371(b) of
15 title 28, United States Code, and is receiving
16 the salary of the office, and

17 (2) has been convicted of a felony under the
18 laws of the United States or of any State,

19 may not receive his or her salary as a justice or judge
20 of the United States beginning on the date of the convic-
21 tion.

22 (b) RESUMPTION IF CONVICTION OVERTURNED.—If
23 the conviction on the basis of which the salary of a justice
24 or judge of the United States is terminated under sub-
25 section (a) is subsequently overturned or reversed by ac-

1 tion of an appropriate court, that salary shall be rein-
2 stated, and the justice or judge shall receive all amounts
3 of such salary which he or she would have received but
4 for the conviction.

5 (c) DEFINITIONS.—As used in this section—

6 (1) the term “justice or judge of the United
7 States” means a “justice of the United States” or
8 a “judge of the United States”, as those terms are
9 defined in section 451 of title 28, United States
10 Code;

11 (2) the term “felony” means an offense for
12 which the maximum term of imprisonment author-
13 ized is more than one year; and

14 (3) the term “State” means each of the several
15 States, the District of Columbia, and any territory
16 or possession of the United States.

17 (d) APPLICABILITY.—This section shall apply to any
18 justice or judge of the United States who is convicted of
19 a felony before, on, or after the date of the enactment
20 of this section.

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